

NOT FOR CITATION
 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN S. RHINE,

Petitioner,

vs.

ATASKADERO MANAGEMENT -
SMH, et al.,

Respondent(s).

No. C 08-03939 JF (PR)

ORDER OF DISMISSAL

On August 18, 2008, Petitioner filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On that same day, the clerk of the Court sent a notification to Petitioner that his petition was deficient because he did not pay the filing fee or file an in forma pauperis application. The notification included the warning that the case would be dismissed if Petitioner failed to respond within thirty days. Along with the notice, the clerk provided a copy of the court's in forma pauperis application, a Certificate of Funds in Prisoner's Account form, and a return envelope. On September 10, 2008, Petitioner filed an in forma pauperis application without attaching a Certificate of Funds in Prisoner's Account and a copy of his

1 prisoner trust account statement showing transactions for the last six months. With
2 the deficient application, Petitioner requested an extension of time to file the missing
3 documents. The Court granted the request, such that Plaintiff had until October 18,
4 2008 to complete his in forma pauperis application by providing the necessary
5 documents. The deadline as since passed, and Plaintiff has not paid the filing fee
6 nor filed the necessary documents to complete his in forma pauperis application.
7 Accordingly, this case is DISMISSED without prejudice for failure to pay the filing
8 fee or file a completed in forma pauperis application.

9 The Clerk shall terminate any pending motions and close the file.

10 IT IS SO ORDERED.

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12 DATED: 11/14/08

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14 JEREMY FOGEL
15 United States District Judge